

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO

as representative of

THE COMMONWEALTH OF PUERTO
RICO, et al

Debtors¹

PROMESA

Title III

No. 17 BK 3283-LTS
(Jointly Administered)

This filing relates to the
Commonwealth

**RESPONSE OF BONDHOLDER PATRICIA MOSCOSO TO
SEVENTY-THIRD OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO TO BONDHOLDERS CLAIMS ASSERTING
AMOUNTS FOR WHICH THE COMMONWEALTH IS NOT LIABLE” (Doc. #8699)**

Now comes before the Court **PATRICIA MOSCOSO**, hereinafter referred to as
“Claimant”, by the undersigned attorney, and hereinafter to the Court shows and pays:

1. Claimant is an inhabitant of Puerto Rico, domiciled at B-62 Ridgewood Drive
Guaynabo, Puerto Rico, 00966, with telephone number 1 (787) 405-2546 and email
patmoscoso@gmail.com .

2. The Commonwealth of Puerto Rico (the “Commonwealth”) by and through the
Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) as

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283- LTS) (Last Four Digits of Federal Tax ID: 3481) ; (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474) ; (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567 – LTS) (Last Four Digits of Federal Tax ID: 3803) ; (iv) Employees Retirement Systems of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electrical Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 47880-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to the software limitations).

representative of the Commonwealth and pursuant to Section 315(b) of the Puerto Rico Oversight, Management and Economic Stability Act (“PROMESA”) filed, on 09/12/19, Doc. #8699, a SEVENTY-THIRD OMNIBUS OBJECTION (SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO TO BONDHOLDERS CLAIMS ASSERTING AMOUNTS FOR WHICH THE COMMONWEALTH IS NOT LIABLE (“the 73rd Omnibus”), seeking to partially disallow the proofs of claim listed in Exhibit A thereto, each of which in part asserts liability based, among others, on “(a) an ownership interest in bonds issued by the Puerto Rico Sales Tax Financing Corporation (“COFINA”).

3. Notice of the 73rd Omnibus filing – Exhibit C - advised “any party who disputes the Omnibus Objection”, including the bondholders listed in Exhibit A, who may dispute the 73rd Omnibus, to file a response – in accordance with the Notice - by 4:00 p.m. of next October 15.

4. Claimant is the owner and holder of COFINA bonds, listed **No. 48 in Exhibit “A”**, and for which Claimant previously filed **Proof of Claim No. 31,833**. The bonds are not within a trust nor the proofs of claim duplicated.

5. Claimant, for the reasons hereafter set forth, hereby resolutely disputes the 73rd Omnibus.

6. By the 73rd Omnibus the Commonwealth seeks to partially disallow claims that seek recovery for amounts for which the Commonwealth is not liable because the claim - among others grounds and as it relates to Claimant herein – “(iii) is based in part on the alleged ownership of bonds issued by the Puerto Rico Sales Tax Financing Corporation (“COFINA”), and, as set forth in Exhibit A to Claimant’s claim...” was *compromised and settles pursuant to the Settlement Order and released and*

discharged in accordance with the Plan and Amended Confirmation Order. (Claimant understands that the referenced *Settlement Order* is that of February 4, 2019, Doc. 5045 and the *Confirmation Order* of February 5, 2019, Doc. 5055.

7. Claimant holds that her claim is not to be understood, in any manner, as released and/or discharged by the cited – or any other known - orders of the Court.

8. As expressly stated by the Court in the Settlement Order (Doc. 5045) at page “3” , the court was therein presented with the question of whether to approve an agreement embodying a settlement that divided the rights to tax revenues between the Commonwealth and COFINA, wherefore, at page 4: “The question now before the Court is much narrower- whether this Particular Settlement Agreement should be approved as a resolution of the dispute between two Title III debtors over the stream of tax revenues.”. (Although it may be read that at the time certain COFINA claims were at the scene, the true fact was that the dispute with the certain COFINA creditors was as to apportionment of tax revenues, as to “right to receive” future tax revenues under the COFINA structure, including certain dispute (not in any way related to Claimant’s interests but) regarding access to a portion of the tax by owners of interests in “COFINA Pledged Taxes” and “FY20BNYM Deposits”.

9. All documentation relevant to the above and upon which Claimant could rely in opposing the 73rd Omnibus, was included with the Proof of Claim, No. 31833, filed by Claimant.

10. Claimant appoints the undersigned attorney with authority to reconcile, settle or otherwise resolve the 73rd Omnibus on her behalf.

Wherefore, Claimant moves the Court to deny all reliefs requested in the 73rd Omnibus against Claimant.

Filed with the Clerk of the Court on this October 15, 2019, through the CM/ECF system which is understood will notify the filing.

s/José L. Gándara
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